

SCANNED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
Plaintiff,)
v.)
HOLYOKE WATER POWER COMPANY and)
CITY OF HOLYOKE GAS & ELECTRIC)
DEPARTMENT,)
Defendants.)

CIVIL ACTION NO.
04-30119-MAP

NOTICE OF LODGING OF CONSENT DECREE

The United States hereby notifies the Court that it has lodged with the Court a proposed Consent Decree that resolves the claims of both the United States in the above-captioned action, filed today, as well as the claims of the Commonwealth of Massachusetts ("Commonwealth") in Commonwealth v. Holyoke Water Power Company, also filed today.^{1/}

Consistent with 28 C.F.R. Section 50.7, the proposed Consent Decree is lodged with the Court for public comment. Pursuant to Department of Justice policy, a Notice of the lodging of this Consent Decree and the opportunity to comment thereon will be published in the Federal Register. The United States will then receive public comments on the Consent Decree for the requisite thirty (30) day public comment period. After the public comment period has expired, the United States will respond to any comments timely received and move the Court

^{1/} The Commonwealth will file a motion, pursuant to Fed. R. Civ. P. 42, seeking consolidation of these two actions.

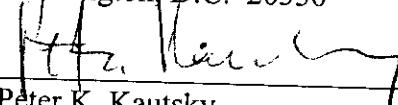
-2-

to sign and enter the Consent Decree, should it still appear, after review of any comments, that the settlement is in the public interest. However, in view of the applicable public notice provisions of Massachusetts law, as set forth at M.G.L. Ch. 21E, § 3A(j)(2), the United States will not file a motion seeking entry of the Consent Decree until 120 days have passed from the lodging of the Decree. *During the pendency of these public comment periods, and until further notice from the United States, this Court should take no action with respect to the Consent Decree.*

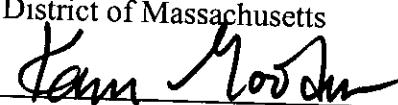
Respectfully submitted,

FOR THE UNITED STATES OF AMERICA

Thomas L. Sansonetti
Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
Washington, D.C. 20530


Peter K. Kautsky
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
Washington, D.C. 20530

Michael J. Sullivan
United States Attorney
District of Massachusetts


Karen Goodwin
1550 Main Street
U.S. Courthouse, Room 310
Springfield, MA 01103
(413) 785-0235

-3-

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served, via first-class mail, this day of June, 2004, on the persons listed below:

Linda T. Landis, Esq.
Holyoke Water Power Company
Public Service Company of New Hampshire
1000 Elm Street
Manchester, NH 03105

John J. Ferriter, Esq.
Ferriter & Ferriter LLC
150 Lower Westfield Road, Suite 100
Holyoke, MA 01040

Matthew Brock
Assistant Attorney General
Commonwealth of Massachusetts
Office of the Attorney General
Environmental Protection Division
One Ashburton Place, 18th Floor
Boston, MA 02108

Karen J. Gordon